

REMARKS

This Reply is in response to the Office Action mailed on June 12, 2007 in which claims 7-11 were objected to and in which claims 1-6, 12-24, 26-29, 34-35, 37-42 and 44-58 were rejected. With this response, claims 12, 29, 36 and 41-48 are canceled; claims 1, 34, 37 and 49 are amended; and claims 59-64 are added. Claims 1-11, 13-24, 26-28 and 34-35, 37-40 and 49-64 are presented for reconsideration and allowance.

I. Claim Objections

Section 2 of the Office Action objected to claims 1, 5, 7, 29, 35, 45, 55, 57 and 58 by asserting that

the term "configured to" is "well defined as an intended use limitation. The claim limitation that employ phrase of the type "configured to" is typical of claim limitation, which may not distinct over par according to the principle.

(Office Action, p.2).

This assertion by the Office Action is incorrect. In contrast to the Office Action's assertions, the limitations including the term "configured to" are not well defined as an intended use limitation. This is self-evident from the fact that the Office Action has to rely upon 1976 case law from the CCPA. In contrast, it is well settled law that the term "configured to" constitutes functional claim language by defining a structure by what it does. Per MPEP 2173.05(g) such functional claim language constitutes a positive claim limitation and is entitled to consideration and patentable weight. Thus, the claim objections are improper and should be withdrawn.

II. Rejection of Claims 4-6, 35, 45 and 58 under 35 USC 112, Second Paragraph

Section 4 of the Office Action rejected claims 4-6, 35, 45 and 58 under 35 USC 112, second paragraph as allegedly failing to particular point out and distinctly

claim the subject matter of the invention. In particular, the Office Action repeatedly asserts that Applicant should explain what is meant by the noted terms.

Applicant respectfully traverses the rejection. Applicants respectfully point the Examiner's attention to Paragraph [0034] which already defines each of the questioned claim terms.

III. Rejection of Claims 1-4, 12-13, 16-17, 29, 34-35, 37, 41-42, 44-45, 47, 49-52, 54 and 57-58 under 35 USC 103 based upon Beseth and Pham.

Section 6 of the Office Action rejected claims 1-4, 12-13, 16-17, 29, 34-35, 37, 41-42, 44-45, 47, 49-52, 54 and 57-58 under 35 U.S.C. § 103(a) as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436. Claims 12, 29 and 41-42, 44-45 and 47 are canceled. Claims 1-4, 13, 16-17, 34-35, 37, 49-52, 54 and 57-58, as amended, overcome the rejection.

A. Claim 1

Claim 1 is amended to incorporate the limitations of former dependent claim 29. Claim one come as amended, recites that the computing device module as a handle that pivots between an extended position in a retracted position and during pivoting of the handle from the extended position towards the retracted position, the detent and a detent-engaging structure are in engagement so as to urge the module into the chassis and source to urge the second connector portion into complete connection with a first connector portion.

Neither Beseth nor Pham, alone or in combination, disclose or suggest a handle that pivots between an extent position in a retracted position and wherein during such pivoting the of the handle from the extent position towards the retracted position, the detent in the detent engaging structures are in engagement so as to urge the module into the chassis end so as to urge the second connector portion into complete connection with a first connector portion. In rejecting former claim 29, the Office Action asserts that Beseth discloses such. This is incorrect. Nowhere

does Beseth disclose that during pivoting of cam lever 352 does lug 354 urge unit 350 into rack 320.

Moreover, Pham does not satisfy the deficiencies of Beseth. To somehow modify Beseth to include the configuration of Beseth to somehow urge the unit into the rack would clearly change the principle of operation of Beseth and destroy its intended functioning. (See MPEP 2143). Accordingly, the rejection of claim 29 was improper. Claim 1, amended to incorporate the limitations of former claim 29, overcomes the rejection. Claims 2-4, 12-13, 16-17, 29 and 57, depend from claim 1 and overcome the rejection for the same reasons.

B. Claim 34

Section 20 of the Office Action indicated that claim 36 would be allowable if rewritten in independent form. Claim 36 is canceled with its limitations incorporated into base claim 34. Thus, claim 34, as amended, overcomes the rejection. Claims 35, 37 and 58 depend from claim 34 and overcome the rejection for the same reasons.

C. Claim 49

Claim 49, as amended come recites a method for positioning and module relative to the chassis. The method includes pivoting a handle coupled to the module from a releasing positioned to a retaining position in which a portion of the handling engages the chassis to urge the module into the chassis during the pivoting and retain the module within the chassis upon completion of the pivoting.

Neither Beseth nor Pham, alone or in combination, disclose or suggest a method wherein a handle is pivoted from a releasing positioned to a retaining position in which a portion of the handling gauges the chassis to urge the module into the chassis during pivoting and to retain the module within the chassis upon completion of the pivoting. As noted above with respect to the rejection of claim 1, nowhere does Beseth disclose that during pivoting of cam lever 352 does lug 354 urge unit 350 into rack 320.

Moreover, Pham does not satisfy the deficiencies of Beseth. To somehow modify Beseth to include the configuration of Beseth so as to somehow urge the unit into the rack would clearly change the principle of operation of Beseth and destroy its intended functioning. (See MPEP 2143). Accordingly, claim 49, as amended, overcomes the rejection based upon Beseth and Pham. Claims 50-52 and 54 depend from claim 49 and overcome the rejection to the same reasons.

IV. Rejection of Claims 5-6 and 20 under 35 USC 103 Based upon Beseth, Pham and Lee

Sections 7 and 10 of the Office Action rejected claims 5-6 and 20 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Lee et al. US Patent 6,606,256. Claims 5, 6 and 20 depend from claim 1 and overcome the rejection for the same reasons discussed above. Lee fails to satisfy the deficiencies of Beseth and Pham.

V. Rejection of claim 14-15 under 35 USC 103 based upon Beseth, Pham and Kalkbrenner

Section 8 of the Office Action rejected claims 14-15 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Kalkbrenner US Patent 6,754,085. Claims 14 and 15 depend from claim 1 and overcome the rejection for the same reasons discussed above. Kalkbrenner fails to satisfy the deficiencies of Beseth and Pham.

VI. Rejection of claim 18-19 under 35 USC 103 based upon Beseth, Pham and Joslin

Section 9 of the Office Action rejected claims 18-19 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Joslin US Patent 5,669,512. Claims 18

and 19 depend from claim 1 and overcome the rejection for the same reasons discussed above. Joslin fails to satisfy the deficiencies of Beseth and Pham.

VII. Rejection of claims 21-22 under 35 USC 103 based upon Beseth, Pham Lee and Angell

Section 11 of the Office Action rejected claims one and 21 and 22 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436, Lee et al. US Patent 6,606,256 and further in view of Angell US Patent 4,693,438. Claims 21-22 depend from claim 1 and overcome the rejection for the same reasons discussed above. Angell fails to satisfy the deficiencies of Beseth, Pham and Lee.

VIII. Rejection of claim 23 under 35 USC 103 based upon Beseth, Pham and D'Alessandro

Section 12 of the Office Action rejected claim 23 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of D'Alessandro US Patent 3,685,005. Claim 23 depends from claim 1 and overcomes the rejection for the same reasons discussed above. D'Alessandro fails to satisfy the deficiencies of Beseth and Pham.

IX. Rejection of claims 24, 48 and 56 under 35 USC 103 based upon Beseth, Pham and Reiter

Section 13 of the Office Action rejected claims 24, 48 and 56 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Reiter et al. US Patent 5,557,499. Claim 48 is canceled. Claims 24 and 56 depend from claim 1 and overcome the rejection for the same reasons discussed above. Reiter fails to satisfy the deficiencies of Beseth and Pham.

X. Rejection of claim 26 under 35 USC 103 based upon Beseth, Pham and Kaern

Section 14 of the Office Action rejected claim 26 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Kaern US Patent Publication 2003/0168365. Claim 26 depends from claim 1 and overcomes the rejection for the same reasons discussed above. Kaern fails to satisfy the deficiencies of Beseth and Pham.

XI. Rejection of claim 27 under 35 USC 103 based upon Beseth, Pham and Unrein

Section 15 of the Office Action rejected claim 27 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Unrein US Patent 6,490,157. Claim 27 depends from claim 1 and overcomes the rejection for the same reasons discussed above. Unrein fails to satisfy the deficiencies of Beseth and Pham.

XII. Rejection of claims 28, 53 and 55 under 35 USC 103 based upon Beseth, Pham and Bovell

Section 16 of the Office Action rejected claims 28, 53 and 55 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Bovell US Patent Publication 2003/0161118. Claims 28, 53 and 55 depend from claim 1 and overcomes the rejection for the same reasons discussed above. Bovell fails to satisfy the deficiencies of Beseth and Pham.

XIII. Rejection of claims 38-39 under 35 USC 103 based upon Beseth, Pham and Joslin

Section 17 of the Office Action rejected claims 38 and 39 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436 and further in view of Joslin US Patent 5,669,512. Claims 38

and 39 depend from claim 1 and overcomes the rejection for the same reasons discussed above. Joslin fails to satisfy the deficiencies of Beseth and Pham.

XIV. Rejection of claim 40 under 35 USC 103 based upon Beseth, Pham, Joslin and Lee

Section 18 of the Office Action rejected claim 40 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436, in view of Joslin US Patent 5,669,512 and further in view of Lee et al. US Patent 6,606,256. Claim 40 depends from claim 34 and overcomes the rejection for the same reasons discussed above. Joslin and Lee fail to satisfy the deficiencies of Beseth and Pham.

XV. Rejection of claim 46 under 35 USC 103 based upon Beseth, Pham, Joslin and D'Alessandro

Section 19 of the Office Action rejected claim 46 under 35 USC 103 as being unpatentable over Beseth et al. US Patent 6,549,424 in view of Pham et al. US Patent 4,885,436, in view of Joslin US Patent 5,669,512 and further in view of D'Alessandro US Patent 3,685,005. Claim 46 depends from claim 34 and overcomes the rejection for the same reasons discussed above. Joslin and D'Alessandro fail to satisfy the deficiencies of Beseth and Pham.

XVI. Added Claims

With this response, claims 59-64 are added. Claims 59-64 are believed to be patentably distinct over the prior art of record.

A. Claim 59

Section 20 of the Office Action indicated that claims seven would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 7 is rewritten as added claim 59 and includes all of the limitations of former base claim 1. Thus, claim 59 is presented for consideration and allowance. Claim 60-63 depends from claim 59 and correspond

to former claims 8-11, respectively and are presented for consideration and allowance for the same reasons.

B. Claim 64

Claim 64 constitutes former claim 37 rewritten in independent form including all of the limitations of former base claim 34. Claim 64 recites that the chassis includes one of a detent and they detent-engaging structure and at the arm portion of the handle includes the other of the detent and the detent engaging structure. Claim 64 further recites that the handle pivots between the extended position and a retracted position such that during pivoting of the handle from the extended position towards a retracted position, the detent and detent-engaging structure art in engagement so as to urge the module into the chassis.

As noted above with respect to the rejection of claim 1, Beseth fails to disclose the recited handle along a single transverse side of the enclosure that urges the module into the chassis during pivoting of the handle. Likewise, would not be obvious to somehow modify Beseth based on the remaining prior art as it would seemingly destroys the principle of operation and intended functioning of Beseth. (See MPEP 2143). Accordingly, claim 64 is presented for consideration and allowance.

VII. Conclusion.

After amending the claims as set forth above, Claims 1-11, 13-24, 26-28 and 34-35, 37-40 and 49-64 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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By

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